

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A surgical implant for replacing functions of a facet joint between adjacent vertebrae, the surgical implant comprising:

 a first biocompatible attachment device for attaching to a first pedicle of a superior vertebrae;

 a second biocompatible attachment device for attaching to a second pedicle of an inferior vertebrae; and

 a flexible member attached to the first and second biocompatible attachment devices;

 wherein the first and second biocompatible attachment devices are positioned, and the flexible member is adapted, so that the flexible member surgical implant applies a distracting force between the superior and inferior vertebrae sufficient [[for]] to selectively separate maintaining the first and second pedicles at a predetermined by a desired distance,

 wherein the flexible member includes two rigid portions connected at a joint component positioned between the first and second biocompatible attachment devices, wherein the joint component [[is]] being an elastic member that both secures the rigid portions together and elastically flexes in a manner that permits relative movement between the rigid portions configured to allow motion at the facet joint.

2. (Original) The surgical implant of claim 1 wherein the flexible member is further adapted to be compressed in response to a second force that exceeds the distracting force.

3. (Cancelled)

4. (Previously presented) The surgical implant of claim 1 wherein the flexible member further includes a first flexible member connected between the first biocompatible

attachment device and the joint component, and a second flexible member connected between the second biocompatible attachment device and the joint component, and wherein the first and second flexible members are connected together at the joint component and are adapted to rotate relative to each other at the joint component.

Claims 5-7. (Cancelled).

8. (Currently amended) A prosthetic device for replacing functions of a facet joint between adjacent vertebrae, the prosthetic device comprising:

means for providing one or more flexible posterior devices to replace main functions of the facet joint, a first one of the one or more posterior devices having first and second biocompatible attachment devices; and

means for adapting the first one of the one or more posterior devices for a first attachment to a first transverse process, and a second attachment to a second transverse process, and wherein the one or more flexible posterior devices includes a joint component positioned between the first and second biocompatible attachment devices, wherein the joint component comprises an elastic member that both secures rigid portions together and elastically flexes in a manner that permits relative movement between the rigid portions and is configured to allow motion at the facet joint.

9. (Original) The prosthetic device of claim 8 further comprising:

means for removing at least a portion of the facet joint.

10. (Original) The prosthetic device of claim 8 further comprising:

means for adapting a second one of the one or more posterior devices for attachments to articular processes.

11. (Original) The prosthetic device of claim 8 further comprising:

means for adapting a second one of the one or more posterior devices for attachments to spinous processes.

12. (Original) The prosthetic device of claim 8 further comprising:
means for adapting a second one of the one or more posterior devices for attachments to laminae.

Claims 13-36 (Cancelled)

Claims 37-40 (Cancelled)

41. (Previously presented) The surgical implant of claim 1 wherein the flexible member attaches to the adjacent vertebrae only at the first and second biocompatible attachment devices.

42. (Currently amended) The surgical implant of claim 1 A surgical implant for replacing functions of a facet joint between adjacent vertebrae, the surgical implant comprising:
a first biocompatible attachment device for attaching to a first pedicle of a superior vertebrae;
a second biocompatible attachment device for attaching to a second pedicle of an inferior vertebrae; and
a flexible member attached to the first and second biocompatible attachment devices configured in a manner to allow motion at the facet joint;
wherein the first and second biocompatible attachment devices are positioned, and the flexible member is adapted, so that the surgical implant applies a distracting force between the superior and inferior vertebrae sufficient for maintaining the first and second pedicles at a spaced-apart distance.

wherein the flexible member ~~further~~ includes:

a first component comprising: an elongated body ~~and, wherein the joint component comprises~~ a first joint element having a first opening ~~wherein the first opening contains an elastic material;~~

a second component comprising: an elongated body ~~and, wherein the joint component further comprises~~ a second joint element having a second opening wherein the second joint element is coupled with the first joint element ~~, and the second opening contains the elastic material;~~

an elastic material disposed through both the first and second openings in a manner that dynamically secures the rigid portions together and elastically flexes in a manner that permits relative movement between the rigid portions; and

a connector covering the first joint element and the second joint element, wherein the connector comprises the elastic material.

43. (Previously presented) The posterior device of claim 42 wherein the first component further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

44. (Previously presented) The posterior device of claim 42 wherein the second component further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

45. (Previously presented) The posterior device of claim 42 wherein the connector is olive-shaped.

46. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 45° to the horizon to simulate the orientation of the facet joint.

47. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 60° to an axial plane and 20° to an frontal plane of a human body.

48. (Previously presented) The posterior device of claim 42 wherein the first component and the second component are coupled at an angle of approximately 90° to an axial plane and 45° to an frontal plane of a human body.

49. (Cancelled)

50. (Previously presented) The surgical implant of claim 8 wherein the flexible member attaches to the adjacent vertebrae only at the first and second biocompatible attachment devices.

51. (Cancelled)

52. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the first ~~component~~ elongated body further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

53. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the second ~~component~~ elongated body further comprises a pointed tip adapted for percutaneous insertion of the posterior device.

54. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the connector is olive-shaped.

55. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the first component elongated body and the second component elongated body are coupled at an angle of approximately 45° to the horizon to simulate the orientation of the facet joint.

56. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the first component elongated body and the second component elongated body are coupled at an angle of approximately 60° to an axial plane and 20° to a frontal plane of a human body.

57. (Currently amended) The posterior device of claim 60 ~~claim 51~~ wherein the first component elongated body and the second component elongated body are coupled at an angle of approximately 90° to an axial plane and 45° to a frontal plane of a human body.

58. (Previously presented) The surgical implant of claim 8 wherein the one or more flexible posterior devices comprises:

a first elongated body; and

a second elongated body,

wherein the joint includes a first element associated with the first elongated body, the first element having a first opening, and a second element associated with the second elongated body, wherein the second element is coupled with the first element and wherein the joint is configured to provide motion to the flexible posterior device during use.

59. (Previously presented) The surgical implant of claim 1 wherein the flexible member further includes:

a first component comprising:

an elongated body, wherein the joint component comprises a first joint having a first opening;

a second component comprising:

an elongated body, wherein the joint component further comprises a second joint coupled with the first joint, wherein the first and second joints are configured to provide motion to the flexible posterior device during use.

60. (New) A prosthetic device for replacing functions of a facet joint between adjacent vertebrae, the prosthetic device comprising:

one or more flexible posterior devices configured to replace main functions of the facet joint, having a first biocompatible attachment device configured to attach to a first transverse process, and a second biocompatible attachment device configured to attach to a second transverse process, and wherein the one or more flexible posterior devices includes a joint component positioned between the first and second biocompatible attachment devices,

wherein the one or more flexible posterior devices comprises:

a first elongated body; and

a second elongated body,

wherein the joint component includes:

a first element associated with the first elongated body, the first element having a first opening, and

a second element associated with the second elongated body, the second element having a second opening, wherein the second element is coupled with the first element by an elastic material disposed in both the first and second openings; and

a connector covering the first element and the second element wherein the connector comprises the elastic material.